



WASHINGTON BOARD OF ADJUSTMENT AGENDA
Regular Meeting
Thursday, August 16, 2012
7:00 PM

I. Opening of the meeting

II. Invocation

III. Roll call

IV. Old Business

1. None

V. New Business

2. A request has been made by Roman Acquisitions, Inc., acting as agent for US Cellular, for a **Special Use Permit** to allow construction and operation of a 100' monopole cellular tower on the property located at 1436 Highland Drive as provided under Section 40-93 Table of Uses. The property is currently zoned O&I (Office and Institutional) and requires a Special Use Permit in order to construct the tower.
3. A request has been made by Roman Acquisitions, Inc., acting as agent for US Cellular, for a **Variance** from Section 40-357 of the City of Washington Zoning Ordinance from the dimensional requirements (height) in order to construct a monopole cellular tower of a 100' in height on the property located at 1436 Highland Drive. The property is currently zoned O&I (Office and Institutional) and requires a Variance in order to construct the tower.
4. A request has been made by Ashley Vansant, acting as agent for Washington Daily News, for a **Variance** from Section 40-263 of the City of Washington Zoning Ordinance, Article X Flood Damage Prevention (Provisions for flood hazard reduction) requirements of the property located at 217 North Market Street. The property is currently zoned B1H and located within the 100 year flood plain.

VI. Other Business

1. Ruth's House Appeal

VII. Approval of Minutes – May 17, 2012

VIII. Adjourn

1. Special Use Permit Request

US Cellular
1436 Highland Drive
Washington, NC

Adjoining Property Owners:

1. Robin Arnold 121 S. Reed Drive, Washington, NC 27889
2. Hal Petters 101 Dudley Place, Washington, NC 27889
3. Robin Moore 103 Dudley Place, Washington, NC 27889
4. Tamberlin Dunn 105 Dudley Place, Washington, NC 27889
5. Wayne Kennedy 107 Dudley Place, Washington, NC 27889
6. Sans Souci Plantation, Inc PO Box 1477, Washington, NC 27889
7. Carolyn Blount 501 Cedar Street, Washington, NC 27889
8. Kenneth Harris 104 Camelia Drive, Washington, NC 27889
9. Dennis Gurley 243 East Barr Road, Chocowinity, NC 27817
10. Mamie Bailey PO Box 221, Washington, NC 27889
11. Marion Ore 1439 Highland Drive, Washington, NC 27889
12. Martha Matthews 305 Azalea Drive, Washington, NC 27889
13. Fred Meece 114 South Reed Drive, Washington, NC 27889

2. Variance Request

US Cellular
1436 Highland Drive
Washington, NC

CITY OF WASHINGTON
DEPARTMENT OF PLANNING AND DEVELOPMENT
APPLICATION FOR A VARIANCE

Date 7-30-12

Fee 150⁰⁰

Applicant U.S. Cellular / Michael Doran

Address 1125 Corporate Drive

Phone No. 217-622-1377

Location of property for which variance is requested:

1436 Highland Dr. Washington D.C.
(Address of property)

Parcel Tax Card No. 5686-52-6917

Zone _____

TO THE BOARD OF ADJUSTMENT:

I, Michael Doran

(Name of applicant)

hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the City of Washington Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

40-357. Dimensional Requirements

A- Height- in an O-E- zone can be no more than 25'
so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

To ALLOW For The Construction of a 100' Monopole which would
be 75' Higher Than allowed under The City of Washington
Ordinance.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance:

- (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;
- (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and
- (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

City of Washington

Department of Planning and Development

Application for a Variance

A THERE ARE PRACTICAL DIFFICULTIES OR NECESSARY HARDSHIPS IN THE WY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine wheather in a particular situation 'practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following.

- (1) If he complies with the provisions of the ordinances, the property owner can secure no other reasonable return from, or make no reasonable use of his property,

Statement by applicant: In this case the it would be true that the applicant could not utilize this portion of the property for a similar use due to the Height restriction imposed on this parcel of property.

- (2) The hardship of which the applicant complains result from a unique circumstances related to the applicants Land.

Statement by Application: The zoning designation for this parcel of _____ limits the height of the proposed telecommunication structure which needs to be 100' in height in order to transmit properly to the adjoining sites and to support the ever increasing demand on the telecommunications' infrastructure.

- (3) The Hardship is not the results of the applicants own actions

Statement by Application: No the hardship is not by the applicant but a result of the zoning designation of this parcel.

b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES IT'S SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and the use of the property , if the variance is granted, will not substantially detract from the character of the neighborhood.)

Statement by Applicant: One of the main facts about this variance request is that a telecommunication structure needs to be taller than 25' in order to function as designed. The applicant took great care in researching this area and found that the placement of the monopole 50' inside the tree line of which

the existing trees are approx. 70' in height and along with the fact that we are also located behind the County health department out of view. The applicant feels that due to the unique circumstances as it relates to telecommunication structures we have place this site well out of site of the surrounding neighborhood and land owners save but a few. Also as this area does develop over time in my opinion there will be more commercial structure in the immediate area than residential. And finally the applicant does feel that the structure will blend into the land scape over time.

c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by applicant.)

Statement by Applicant: The Applicant firmly believes the zoning relief approvals needed for the Proposed Facility will be in the best interest of the Applicant and the community, thereby deemed necessary for the public convenience. The Applicant stands to gain a more improved wireless service it can offer to its customers. The community stands to gain a more reliable wireless network for which all communities depend on for a safety, convenience, and general well-being standpoints. Imagine, for a moment, if you were unable to make a call on a cell phone in an emergency situation. There are many examples of cell phones saving people's lives.

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Statement by Applicant: See Insert

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.)

Statement by Applicant: See Insert

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: See Insert

b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land, and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Statement by Applicant: SEE INSERT

c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

Statement by Applicant: SEE INSERT

❖ NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this 30 day of July


(Signature of Applicant)

Adjoining Property Owners:

1. Robin Arnold 121 S. Reed Drive, Washington, NC 27889
2. Hal Petters 101 Dudley Place, Washington, NC 27889
3. Robin Moore 103 Dudley Place, Washington, NC 27889
4. Tamberlin Dunn 105 Dudley Place, Washington, NC 27889
5. Wayne Kennedy 107 Dudley Place, Washington, NC 27889
6. Sans Souci Plantation, Inc PO Box 1477, Washington, NC 27889
7. Carolyn Blount 501 Cedar Street, Washington, NC 27889
8. Kenneth Harris 104 Camelia Drive, Washington, NC 27889
9. Dennis Gurley 243 East Barr Road, Chocowinity, NC 27817
10. Mamie Bailey PO Box 221, Washington, NC 27889
11. Marion Ore 1439 Highland Drive, Washington, NC 27889
12. Martha Matthews 305 Azalea Drive, Washington, NC 27889
13. Fred Meece 114 South Reed Drive, Washington, NC 27889



1125 CORPORATE DRIVE
GREENVILLE, NC 27604
TEL: (813) 244-3300
FAX: (813) 244-3307

APPROVALS

LANDLORD _____
LEASING _____
B.A. DESIGN _____
ZONING _____
CONSTRUCTION _____
USE CONST. _____
CELL SITE BMA _____
OPERATION _____



W.T. CONSULTING
ENGINEERS, INC.
1100 W. 10TH STREET
SUITE 100
FORT WORTH, TEXAS 76104
TEL: (817) 335-1100
FAX: (817) 335-1101

PROJECT NO. _____

DATE _____

DRAWN BY: _____

CHECKED BY: _____

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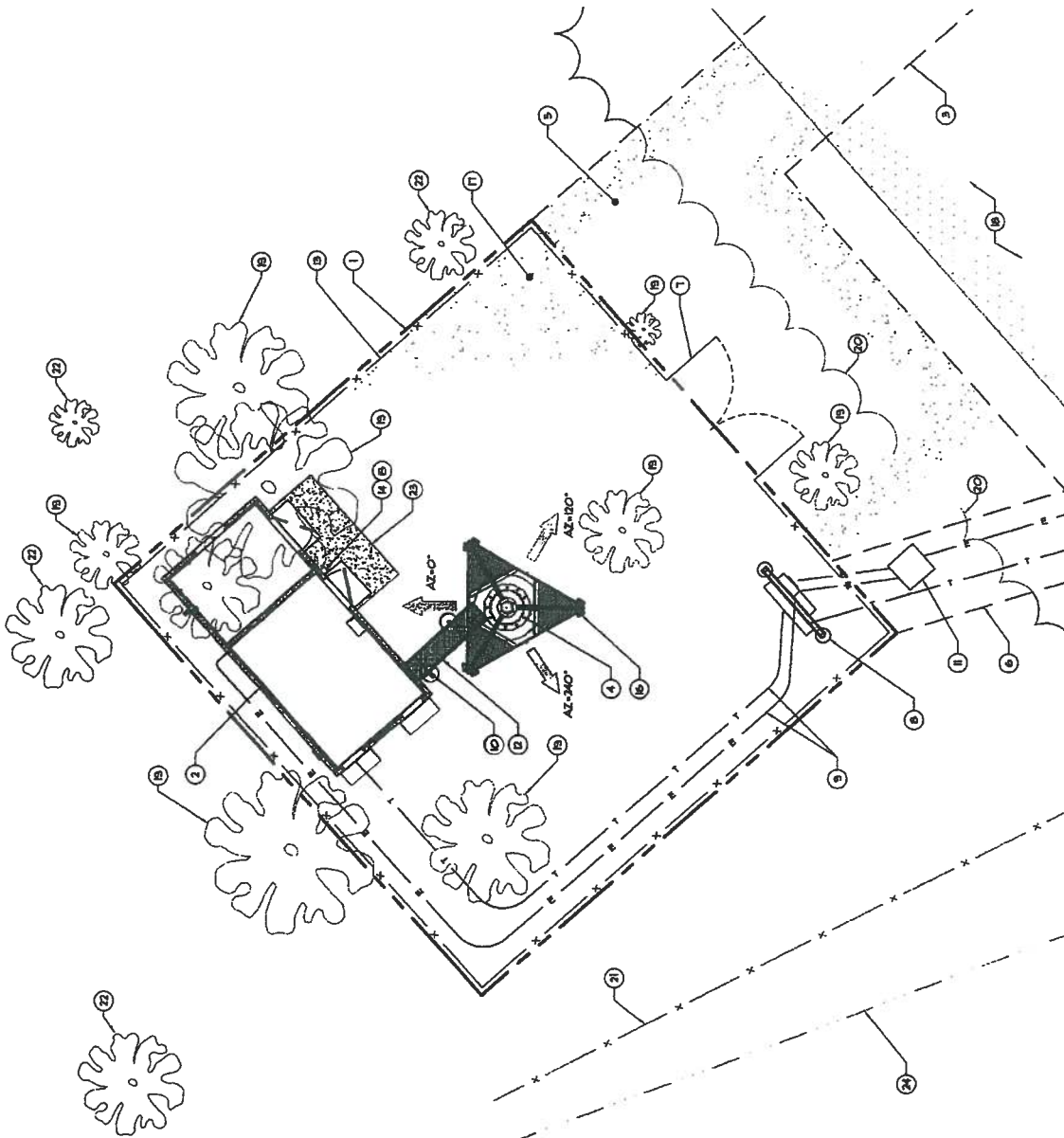
DATE _____

DATE _____

PROJECT NOTES

1. PROPOSED 30'-0" X 30'-0" U.S. CELLULAR LEASE AREA WITH 48'-0" X 48'-0" FENCED COMPOUND. SEE SURVEY FOR LEGAL DESCRIPTION.
2. PROPOSED U.S. CELLULAR 12'-3" X 24'-0" EQUIPMENT SHELTER (A1 PORT) SEE MANUFACTURER DRAWINGS FOR ADDITIONAL DETAILS.
3. PROPOSED 12'-0" ACCESS EASEMENT. SEE SURVEY FOR LEGAL DESCRIPTION.
4. PROPOSED 100'-0" MONOPOLE TOWER SEE TOWER MANUFACTURER DRAWINGS FOR ADDITIONAL INFORMATION.
5. PROPOSED GRAVEL DRIVE SEE DETAIL 3C-3.
6. PROPOSED 8'-0" UTILITY EASEMENT. SEE SURVEY FOR LEGAL DESCRIPTION.
7. PROPOSED 12'-0" GATE PROVIDED & INSTALLED BY GENERAL CONTRACTOR. SEE SHEET C-1.
8. PROPOSED UTILITY FRAME. SEE DETAIL 3E-3.
9. PROPOSED ELECTRIC & TELCO WIRE AND CONDUIT. SEE SHEETS E-1 & E-2.
10. PROPOSED GPS ANTENNA MOUNTED TO ICE BRIDGE POST. SEE DETAIL 1A-3.
11. PROPOSED TRANSFORMER AND PAD PROVIDED & INSTALLED BY LOCAL POWER COMPANY.
12. PROPOSED 24" WIDE U.S. CELLULAR ICE BRIDGE. SEE SHEET A-4.
13. PROPOSED 6'-0" TALL CHAIN LINK FENCE WITH 3 STRANDS OF BARBED WIRE. SEE SHEET C-1.
14. PROPOSED GENERATOR PAD PROVIDED WITH SHELTER INSTALLED BY GENERAL CONTRACTOR.
15. PROPOSED SECURITY LIGHT PROVIDED & INSTALLED WITH SHELTER.
16. PROPOSED U.S. CELLULAR ANTENNA FRAME & ANTENNA PROVIDED WITH TOWER & INSTALLED BY GENERAL CONTRACTOR. SEE DETAIL 1A-1.
17. PROPOSED 24" DIA. RAINWATER WITHIN FENCED COMPOUND AS NEEDED. SEE DETAIL 1C-3.
18. EXISTING ASPHALT PARKING LOT.
19. EXISTING TREE WIDE OR ADJACENT TO PROPOSED U.S. CELLULAR LEASE AREA TO BE REMOVED (TYP).
20. EXISTING TREE LINE TO BE TRIMMED BACK AS NECESSARY.
21. EXISTING FENCE TO REMAIN.
22. EXISTING TREE TO REMAIN (TYP).
23. PROPOSED 2'-0" X 12'-0" CONCRETE STOOP. SEE DETAIL 1A-1.
24. EDGE OF DETENTION POND.

NOTE:
GENERAL CONTRACTOR TO INSURE ALL EXISTING UNDERGROUND UTILITIES REMAIN UNOBTAINED. CONTRACTOR TO REPLACE ANY DAMAGED UNDERGROUND UTILITIES AT HIS EXPENSE.



1 ENLARGED SITE PLAN

SCALE 1" = 10'-0"



NORTH

KEYSVILLE

406 HIGHLAND DRIVE
WASHINGTON, NC 27889
REARPORT COUNTY

SHEET TITLE

ENLARGED SITE PLAN

SHEET NUMBER

C-2

3. Variance Request

Washington Daily News
217 North Market Street
Washington, NC

CITY OF WASHINGTON
DEPARTMENT OF PLANNING AND DEVELOPMENT
APPLICATION FOR A VARIANCE

Date 8-7-12

Fee _____

Applicant Washington Daily News

Address 217 North Market Street, Washington, NC 27889

Phone No. 252-946-2144

Location of property for which variance is requested:

217 North Market Street, Washington, NC 27889
(Address of property)

Parcel Tax Card No. _____ Zone _____

TO THE BOARD OF ADJUSTMENT:

I, Ashley Vansant
(Name of applicant)

hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the City of Washington Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

50% rule requiring the lowest floor of the structure to be at or above base flood Elevation

+ Relocation & Permitting of Existing Elec. & Mech. Systems

so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein:

Interior remodel/renovation. NO exterior work involved. NO Structural work involved.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance:

- (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;
- (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and
- (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Statement by Applicant: _____

Failure to grant the variance will result in the applicant not being able to make the necessary repairs and upgrades to the property that are needed in order to operate the applicant's business, located on the property in question.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.)

Statement by Applicant: _____

Applicant's hardships are not common to adjacent properties or neighbors, as the Applicant's property is in need of repairs.

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: _____

The hardship is not the result of the applicant's own actions, as the applicant cannot affect the base flood elevation requirements.

b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land, and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Statement by Applicant: _____

No exterior work is to take place. No structural work is to take place. Renovation
work consists of interior repairs and updates.

c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

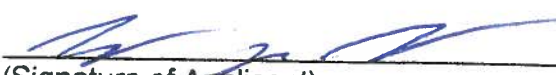
Statement by Applicant: _____

Granting of the variance will not effect the safety of the public in any way

❖ NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this 8th day of August, 2012.


(Signature of Applicant)

Adjoining Property Owners:

1. Whit Blackstone 222 West Stewart Parkway, Washington, NC 27889

❖ Note: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property or does not have a binding option to purchase the property, then the actual owner of the land must complete this form.

Dear Sir or Madam:

I am the owner of the property located at 217 N. MARKET ST.
WASHINGTON, N.C. (WASHINGTON NEWSMEDIA, LLC)

I hereby authorize WIMCO
to appear with my consent before the City of Washington Board of Adjustment in order to ask
for a variance from BASE FLOOD ELEVATION REQUIREMENTS

I understand that the variance, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address, 217 N. MARKET
ST., WASHINGTON, NC 27889
or by telephone at 252.946.2144

Respectfully yours,

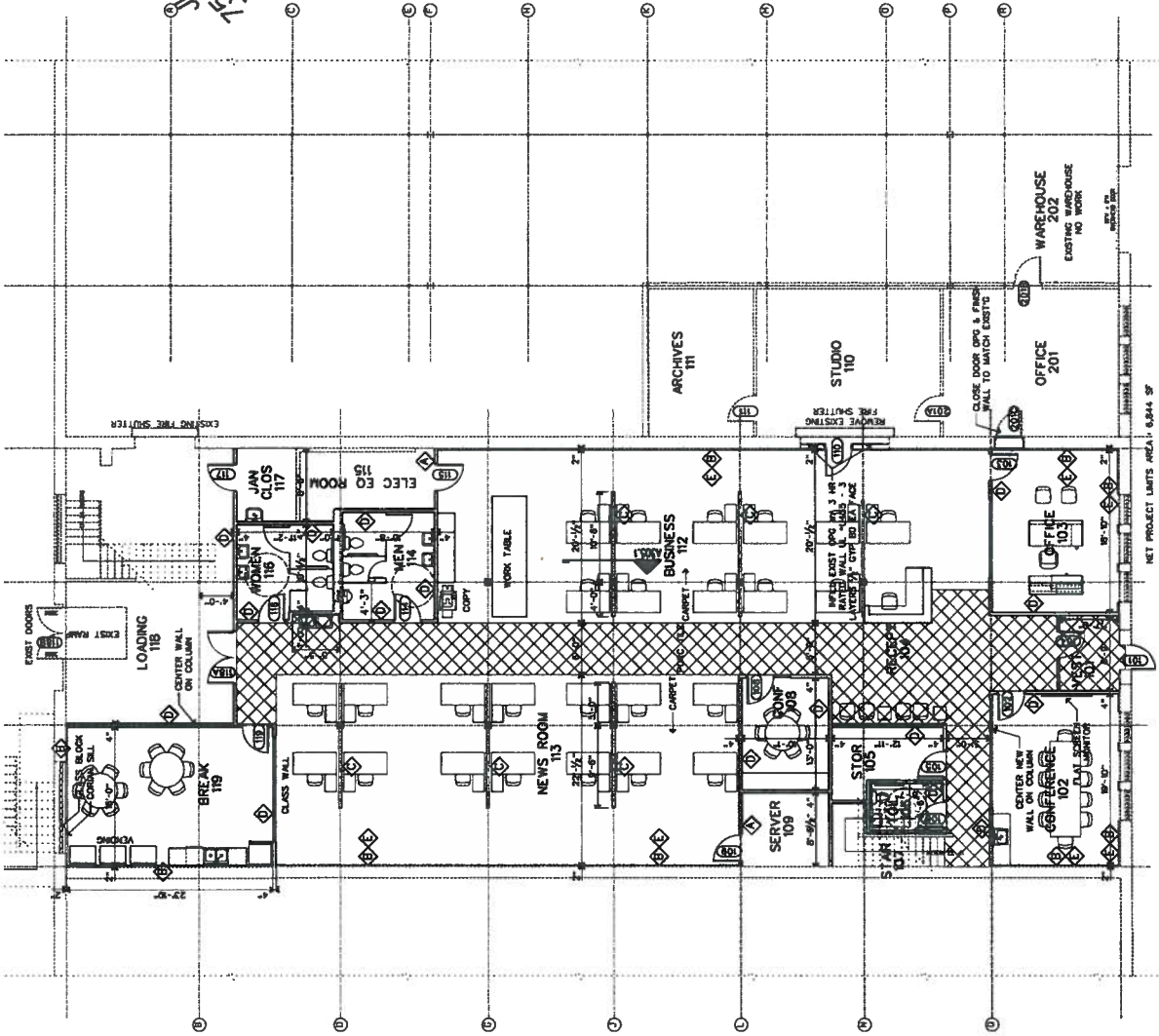

(Owner) ASHLEY VANSANT, PRESIDENT & PUBLISHER WASHINGTON NEWSMEDIA, LLC

Sworn to and subscribed before me, this the 8 day of August, 2012.

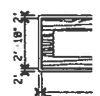

(Notary Public)

My commission Expires: 12/9/12

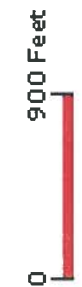
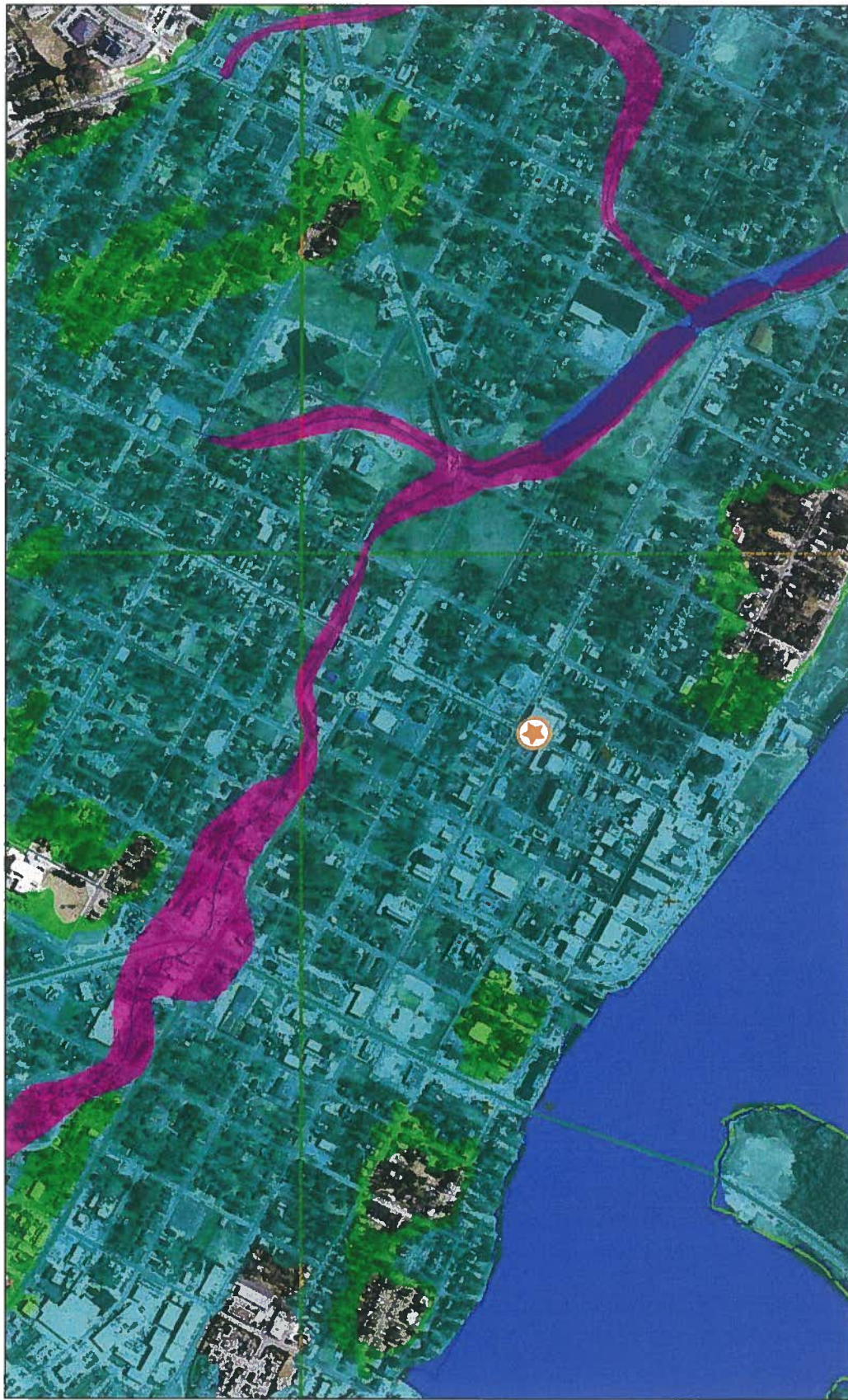


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EXIST SALVAGED TILES TO MATCH

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Washington



North Carolina
Floodplain Mapping Program

- ★ Major Cities
- ⬢ Benchmarks
- ▤ DFLRM Grid
- Rivers and Streams
- Transects (Coastal)
- ▭ County Boundaries
- ▤ Coastal Barrier Resource Systems
- Roads
- NC Highway
- US Highway
- Interstate Highway
- ▨ Political Areas
- ▤ Extraterritorial Jurisdictions
- ▤ Coastal Sounds
- 100yr Flooding - Floodway (AE)
- 100yr Flooding - Has BFE's (AE)
- 100yr Flooding - No BFE's (A)
- 100yr Flooding - Velocity Zone
- 500yr Flooding (Shaded X)
- Base Flood Elevation (Symbol)
- Cross Sections

Site: PARCEL 1 (.14 AC) WASHINGTON NEWSMEDIA L



Property Details:

PIN	01003427	GPIN	5675-98-0519
GPINLONG	5675-98-0519	NAME1	WASHINGTON NEWSMEDIA LLC
NAME2		ADDR1	217 N MARKET STREET
ADDR2		CITY	WASHINGTON
STATE	NC	ZIP	27889
PROP_ROAD	217 N MARKET ST	ACRES	0
ACCT_NBR	898637	MAP_SHEET	567508
NBR_BLDG	1	DATE	9/1/2010
DB_PG	1728/0721	LAND_VAL	63000
BLDG_VAL	317338	DEFR_VAL	0
TOT_VAL	380338	NBHD_CDE	AC1
NBHD_DESC	ZONE 1 AVERAG	SUB_CDE	
SUB_DESC		STAMPS	865
SALE_PRICE	432500	ZONE	B1H
LAND_USE		DISTRICT	01
PROP_DESC	PARCEL 1 (.14 AC) WASHINGTON NEWSMEDIA L	MBL	567508192
EXMPT_PROP		EXMPT_AMT	0
ROAD_TYPE	P		
CENSUS_BLK			
PREVASSESS	0		

DISCLAIMER: These maps and information either in digital or hardcopy format are provided solely as a public service and they do not meet surveying accuracy standards. This map data is prepared from the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of any maps generated on this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on any maps. The county of Beaufort assumes no legal responsibility for the information contained on these maps.

Site: COMMON AREA FIRE STATION LOFTS CONDO

Property Details:

PIN	15025067	GPIN	5675-88-9594
GPINLONG	5675-88-9594	NAME1	FUTRELL RACHEL F
NAME2		ADDR1	1206 SUMMIT AVENUE
ADDR2		CITY	WASHINGTON
STATE	NC	ZIP	27889
PROP_ROAD	N MARKET ST	ACRES	0
ACCT_NBR	880760	MAP_SHEET	567508
NBR_BLDG	2	DATE	12/5/2007
DB_PG	1619/0833	LAND_VAL	724
BLDG_VAL	209	DEFR_VAL	0
TOT_VAL	933	NBHD_CDE	AC1
NBHD_DESC	ZONE 1 AVERAG	SUB_CDE	
SUB_DESC		STAMPS	0
SALE_PRICE	0	ZONE	B1H
LAND_USE		DISTRICT	01
PROP_DESC	COMMON AREA FIRE STATION LOFTS CONDO	MBL	567508193
EXMPT_PROP		EXMPT_AMT	0
ROAD_TYPE	P		
CENSUS_BLK			
PREVASSESS	0		

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Board Minutes

May 17, 2012

WASHINGTON BOARD OF ADJUSTMENT MINUTES

Regular Scheduled Meeting

Thursday, May 17, 2012

7:00 pm

Members Present

Marion Ore Derik Davis
Claude Hodges Steve Fuchs
Paula McCullough Tim Cashion

Members Absent

None

Others Present

John Rodman, Planning Director
Glen Moore, Planning Administrator
Jessica Selby, Administrative Support

I. Opening of the meeting

The Chairman called the meeting to order.

II. Invocation

The Chairman led in a moment of silent meditation.

III. Roll Call

A silent roll call was taken by staff.

IV. Old Business

1. None

V. New Business

1. A request has been made by East Carolina Consulting, acting as agent for Waffle House, for a Variance from Section 40-140 (c) of the City of Washington Zoning Ordinance from the dimensional requirements (rear yard setback) in order to adequately site the building located at 916 Carolina Avenue. The property is currently zoned B-2 (General Business) and requires a Variance of the rear yard setback in order to begin the project.

Howard Nichols, East Carolina Consulting, came forward and was sworn in. He explained that they have laid out the site every way that they can. He stated that if they slide the building back it enables them to have parking on both sides of the building and the front. He explained that it would also allow them to use the existing driveways. Mr. Fuchs asked if the Waffle House owners own the adjoining Hotel. Mr. Nichols stated that they would be owned by the same individual. Mr. Cashion asked where the front of the building would be located. Mr. Nichols then went through and explained the site design of the building and the site. Mr. Fuchs asked Mr. Nichols if everything else would fall into speck if they are granted the 5 foot Variance. Mr. Nichols stated

that it would. Mr. Cashion asked about signage. Mr. Nichols assured the board that any signage would be in accordance with the City sign ordinance. Mr. Nichols stated that they would be sharing the Hotel parking lot and by shifting the building it allows for more parking of the lot.

The Chairman opened the floor for public comments. Being none coming forward the floor was closed. Mr. Glen Moore presented the Board with the findings of fact. Mr. Cashion asked staff if they have had any opposition to the request. Mr. Rodman stated that they had not.

Derik Davis motioned to grant the Variance request to East Carolina Consulting for the rear yard setback in order to construct the building at 916 Carolina Avenue based on the presented findings of fact 1-6. His motion was seconded by Marion Ore. All voted in favor and the motion carried.

2. A request has been made by Ruth's House, Inc. for a Special Use Permit to operate a domestic violence shelter located at 400 West 16th Street as provided under Section 40-93 Table of Uses. The property is currently zoned R-9S (Residential) and requires a Special Use Permit in order to operate the shelter.

The Chairman asked for all those who wished to speak for or against the request to come forward and be sworn in.

Kevin Johnson came forward representing the Ruth House. He explained that he is on the Board of Ruth's House, which is an incorporated non-profit organization that is seeking to open a domestic violence shelter in Beaufort County. He stated that a domestic violence shelter is a 24 hour a day operation and would be a short term residential shelter for women and their children who are victims of domestic violence. He explained that it would operate under state regulations and would be staffed at all times by trained licensed individuals. He explained that the process for someone coming to the shelter is that they cannot come there directly. They either go directly to the police or sheriff's department or they can call the domestic violence hotline that would then refer them to the police or sheriff's department. He explained that they would only be escorted to the shelter by a member of law enforcement. Mr. Johnson stated that at this time they are seeking an operation for a max of 5 individuals and that number includes children as well. Mr. Rodman explained that if they had over 5 bedrooms they would be considered a commercial activity. Mr. Johnson stated that there would be at least one person there at all times and during the day there may be 2 additional staff member who may be providing counseling. Mr. Fuchs asked what type of experience the Ruth's House origination has with domestic violence shelters.

Debra Oz, Ruth's House Board President, came forward and explained her experience and back ground along with others on the Ruth's House Board. She explained that all volunteers will be trained by the Center for Family Violence out of Greenville. She stated that the Center for Family Violence is currently the entity that houses domestic Violence victims for Beaufort County. She explained that last year they housed over 70 people from Beaufort County and the Ruth's House intent is to have an option for people in Beaufort County who wished to stay in the area. She explained that the whole intent is provide a safe quality well run origination and some people feel safer in their home counties. She stated that the shelter would just be open to women. She explained that this is currently a community faith based project, but a time may come when they want or need to explore government funding.

Mr. Ore asked if the women in the shelter will be able to come and go as they please. Ms. Oz explained that it is not a lock down situation; it would be like a lock out situation because they do not want the perpetrator to be able to get in. She explained that many of the ladies will be working and they need for their lives to go on as normal as possible, but they need a place to go when they get off work where they can be safe.

Derik Davis pointed out the fact that there is another request from a different organization to open the same type of shelter. He asked if there would be any benefit to collaboration of the two groups in seeking to help with this matter. Ms. Oz explained the different conversations the Ruth's House had with the other entity and stated that at this point the Ruth's House was not in a position to partner with the other organization.

Ms. Oz explained that their intention is to have a small shelter that can help with the overflow from the Greenville shelter. Mr. Johnson explained again that victims would only be able to come to the shelter by way of law enforcement escort. Mr. Johnson stated that they would not have a sign out front and hope to keep knowledge of the location of the shelter at a minimum. Mr. Johnson explained to the board that the Greenville shelter has been open for 20 years and in that 20 years they have only had one perpetrator come to the shelter and that was a gentleman who had been at the shelter as a child and felt comfortable coming onto the property. He stated that the idea that perpetrators come to the shelter beating down the door is not supported by the facts and statistics. Mr. Ore asked if there would be an excess of vehicles at the location. Ms. Oz stated that was one of the reasons they wanted to keep it small. They did not want excess vehicles in the driveway that may bring attention to the house. The board discussed the parking issue further. Mr. Fuchs asked if they planned on changing the look of the house. Ms. Oz stated that they would not. Mr. Johnson stated that the only change they would have to make is alterations making the house handicap accessible. Mr. Cashion asked the time limit that a victim may stay at the shelter. Ms. Oz stated that it would vary by client, but generally they would stay in the shelter for a week or least until they can be relocate. They then discussed the amount of traffic flow and the amount of victims the shelter may have.

Dot Moate came forward to speak in favor of the request. She stated that she is familiar with the Ruth's House origination and some of the members on the board and is very confident that they will comply with the board's wishes. She stated that the Ruth's House came to the Planning Board, which she is a member of, to see where domestic violence shelters are allowed. The Planning Board discovered that it was not in the code, so the Planning board decided to allow domestic violence shelters in certain residential areas with a special use permit. Ms. Moate stated that she feels the Ruth's House meets all the requirements and she asked that the board grant the special use permit.

Dr. F Sue Muriel came forward and spoke in opposition. She stated that she did not want the shelter coming to the neighborhood. She stated that it will devalue the surrounding homes and she would like it if they found another location. She stated that she did not want additional undesirable people or traffic coming in and out of the neighborhood. She asked the board to deny the special use permit and asked the applicant to survey other areas for the shelter. Ms. McCullough stated that she did not agree with Dr. Muriel's statement calling the victims undesirable people. She explained that domestic violence is not a social economic issue because it affects individuals in all social economic backgrounds. Mr. Davis added that these individuals

are victims. Dr. Muriel addressed the issue of keeping the location a secret, stating that she did not think it would be possible. The board discussed all of Dr. Muriel's comments.

Patsy Stauffer came forward and explained some of her concerns to the board. She stated that the area floods very frequently. Mrs. Stauffer stated that another problem they have is the low water pressure. She explained that if her neighbor is using water the water pressure is very low at her house and she is concerned about it getting worse if more people come to the area. Mrs. Stauffer stated another concern she has is that the proposed house is not very secure. She explained that the back yard only has a regular low chain link fence. Mrs. Stauffer then explained that there is already a lot of foot traffic at night coming through the area, which causes a lot of the neighborhood dogs to bark and keep people up at night. She asked if they would expect more law enforcement presence in the area if the shelter was approved. Mr. Fuchs stated that Mrs. Stauffer could request that anytime, whether the request is granted or not. Mrs. Stauffer stated that she does not want a lot of traffic going and coming at night. She explained that she is neither for nor against the request, she just wanted to voice her concerns.

Shirley Kuhn, the property owner, came forward and was sworn in. Ms. Kuhn stated that she has lived in the house for 30 years and addressed the flooding issue. She stated that the water pressure has never been a problem for her at the house. She stated that she has lived in the house alone for several years now and she has never felt unsafe.

There being no others coming forward the floor was closed. Mr. Rodman came forward and presented the findings of fact and the board discussed parking requirements for the property. Ms. McCullough stated that based on the findings of fact she finds it hard to deny the request because it does comply with them. Mr. Davis discussed the positive affect the neighborhood would have with increased law enforcement in the area if the shelter is approved. He stated that he concurred with Ms. McCullough on the issue and he doesn't see any reason why the board shouldn't grant the request.

Marion Ore made a motion to grant the Special Use Permit request to the Ruth's House to operate a domestic violence shelter at 400 West 16th Street as provided under Section 40-93 Tables of Uses based on the presented findings of fact. His motion was seconded by Paula McCullough. All voted in favor.

3. A request has been made by DV/Sa Help, Inc. for a Special Use Permit to operate a domestic violence shelter located at 726 North Market Street as provided under Section 40-93 Table of Uses. The property is currently zoned R-6S (Residential) and requires a Special Use Permit in order to operate the shelter.

Being that the applicant was not present Derik Davis made a motion to continue the request until the Board's next scheduled meeting. Paula McCullough seconded his motion. All voted in favor and the request was tabled.

Mr. Rodman assured members of the audience that DV/Sa Help would not be able to take clients until the Special Use Permit was granted.

VI. Other Business

1. None

VII. Approval of minutes – December 15, 2011

Derik Davis made a motion to approve the December minutes. His motion was seconded by Marion Ore. All voted in favor and the minutes were approved.

VIII. Adjourn

There being no further business Derik Davis made a motion to adjourn. Marion Ore seconded the motion. All voted in favor.